

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, WESTERN DIVISION

FILED BY: *[Signature]* D.C.
05 OCT 19 PM 5:49

MICHAEL CURSEY and MARY L. HUGHES,
Plaintiffs,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TENN. MEMPHIS

vs.

No. 03-2674 D/V

FICKRY RAPHAEL, UMA GROUP, LTD.
d/b/a CONSULTANTS UMA, AVIS RENT
A CAR SYSTEM, INC., SIMON PROPERTY
GROUP, L.P., RALEIGH SPRINGS, LLC.,
and SEARS, ROEBUCK AND CO.,

Defendants.

**RULE 41 NOTICE AND ORDER OF VOLUNTARY DISMISSAL OF DEFENDANT,
SEARS, ROEBUCK AND CO.**

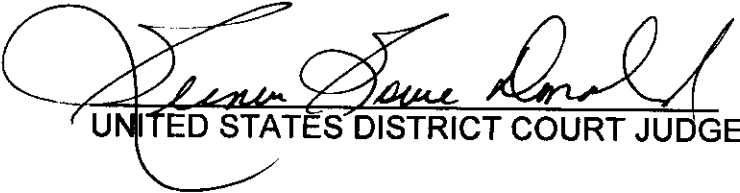
Come now the Plaintiffs, Michael Cursey and Mary L. Hughes, and notify the Court that they stipulate, with consent of all the parties, to the dismissal of Sears, Roebuck and Co. from the above lawsuit. The remaining Defendants agree, in consenting to this dismissal, that no percentage of fault may be apportioned to Sears in this matter and that the remaining Defendants and the Plaintiffs agree that any fault for the incident shall be apportioned among the remaining parties without reference to Sears.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Sears, Roebuck and Co. is hereby dismissed from this lawsuit with proceedings to continue amongst the remaining parties.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) EDCP on *10/20/05*

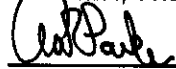
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ENTERED the 19th day of October, 2005.


UNITED STATES DISTRICT COURT JUDGE

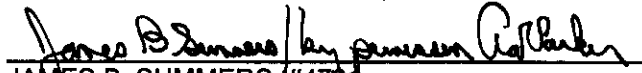
APPROVED FOR ENTRY:

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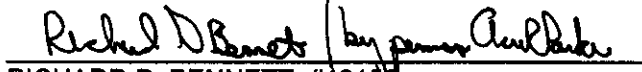
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Notice of Distribution

This notice confirms a copy of the document docketed as number 106 in case 2:03-CV-02674 was distributed by fax, mail, or direct printing on October 20, 2005 to the parties listed.

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Honorable Bernice Donald
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